

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re:

Chapter 13
Case No.: 10-75779
Judge: Steven W. Rhodes

Timothy P. and Laurie A. Nemeth

Debtor(s) /

JAMES C. WARR & ASSOCIATES, LLC

James C. Warr (P47001)

Omar M. Badr (P70966)

Attorney for Debtor(s)

24500 Northwestern Hwy., Suite 205

Southfield, MI 48075

(248) 357-5860

attywarr@sbcglobal.net

REQUEST FOR MODIFICATION OF CHAPTER 13 PLAN

THE DEBTORS, Timothy P. and Laurie A. Nemeth, by and through their attorneys, James C. Warr & Associates, LLC, hereby request and propose that this Court's previous Order Confirming Plan, entered and dated February 26, 2011, be amended in the following fashion:

1. That the Debtors shall contribute \$7,000.00 from a wrongful death lawsuit settlement they recently became informed of (see attached Exhibit 6).
2. That the Debtors be allowed to retain the remaining proceeds of the wrongful death settlement (\$52,574.18) because Mrs. Nemeth's hours of work have been dramatically cut due to injury (see attached Exhibits 6). The Debtors need these remaining funds to live on due to their decreased income. (The court will note that the Debtors have lost approximately \$1,000.00 per month in income. The amount that the Debtors propose to retain (\$52,574.18) corresponds to their monthly deficiency (more than \$1,000.00) multiplied by the remaining months of their Plan (52).
3. That in all other respects the above-referenced Order Confirming Plan shall remain in full force and effect.

Respectfully submitted,

/s/James C. Warr

JAMES C. WARR (P47001)

OMAR M. BADR (P70966)

Attorney for Debtor(s)

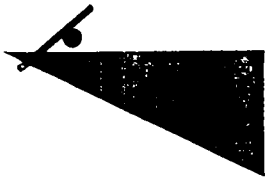
24500 Northwestern Hwy., Suite 205

Southfield, MI 48075

(248) 357-5860

attywarr@sbcglobal.net

Dated: 10-26-2011



MINDELL, MALIN, KUTINSKY,
STONE & BLATNIKOFF
Attorneys & Counselors*

BERNARD MINDELL
JEFFREY D. MALIN
BRIAN A. KUTINSKY
RANDALL I. STONE
ALAN C. BLATNIKOFF
GLENN H. OLIVER
JEFFREY D. MINDELL
MICHAEL A. CANNER
LOREN D. BLUM
ADAM P. PONTO

Of Counsel
PAUL A. ROSEN

Paralegal
DEBRA M. CHIELENS
NANCY B. RAKOTZ
MARY JO TOMSICK

Office Manager
AMY MINDELL

September 19, 2011

Mr. Tim Nemeth
9011 Levene
Redford, MI 48239

Rose Mikek
9019 N. Baldwin Road
St. Louis, MI 48880

Dolores Nemeth
26731 Dover
Redford, MI 48239

RE: Estate of Josephine Nemeth

Dear Ms. Mikek, Ms. Nemeth and Mr. Nemeth:

Enclosed please find copies of the Petition for Authority to Settlement Wrongful Death Claim and for Distribution of Proceeds. You will see that the proposed proceeds are divided as \$7,000.00 to Janet Nemeth and \$59,574.18 to Timothy Nemeth. It is my understanding that you are aware of this and are in agreement with the same.

You will also see you are asking for reimbursement of our costs in the amount of \$138.73 and our attorney fee. You will also find enclosed our work-in-process report outlining out costs expended.

Lastly, I am forwarding to each of you your respective waiver/consent. It has been completed and simply needs your signature where I have marked with a "X".

Once we have this back we will be filing it with the Court and obtaining the a hearing date. You do not need to attend the hearing. Janet Nemeth, in her position as the Personal Representative of the Estate of Josephine Nemeth is the only one that must attend.

I cannot get this filed with the Court until I receive the waiver/consent forms. I would therefore ask that you sign and return it to me immediately. I am enclosing a self-addressed, stamped envelope for your convenience.

Very truly yours,

Jeffrey D. Malin

25505
WEST TWELVE MILE
SUITE 1000
SOUTHFIELD
MICHIGAN
48034-1811

(248) 353-5595
TOLL-FREE
(800) 963-5595
FACSIMILE
(248) 948-6677

OFFICES IN:
MADISON HEIGHTS
WESTLAND
FLINT

JDM/lap
Encls.

www.mindellfirm.com

In re Timothy P. Nemeth and Laurie A. Nemeth

Debtor(s)

Case No. 10-75779-swr

(if known)

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status: Married	DEPENDENTS OF DEBTOR AND SPOUSE	
	RELATIONSHIP(S):	AGE(S):
EMPLOYMENT: DEBTOR		SPOUSE
Occupation Receiver		Veterinary Assistant
Name of Employer Kroger		Vet Select Hospital
How Long Employed 3 years		6 years
Address of Employer Westland MI		Dearborn Heights MI
INCOME: (Estimate of average or projected monthly income at time case filed)		
		DEBTOR SPOUSE
1. Monthly gross wages, salary, and commissions (Prorate if not paid monthly)		\$ 3,168.53 \$ 458.47
2. Estimate monthly overtime		\$ 0.00 \$ 0.00
3. SUBTOTAL		\$ 3,168.53 \$ 458.47
4. LESS PAYROLL DEDUCTIONS		
a. Payroll taxes and social security		\$ 602.42 \$ 32.41
b. Insurance		\$ 134.68 \$ 0.00
c. Union dues		\$ 40.60 \$ 0.00
d. Other (Specify):		\$ 0.00 \$ 0.00
5. SUBTOTAL OF PAYROLL DEDUCTIONS		\$ 777.70 \$ 32.41
6. TOTAL NET MONTHLY TAKE HOME PAY		\$ 2,390.83 \$ 426.05
7. Regular income from operation of business or profession or farm (attach detailed statement)		\$ 0.00 \$ 0.00
8. Income from real property		\$ 400.00 \$ 0.00
9. Interest and dividends		\$ 0.00 \$ 0.00
10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above.		\$ 0.00 \$ 0.00
11. Social security or government assistance (Specify):		\$ 0.00 \$ 0.00
12. Pension or retirement income		\$ 0.00 \$ 0.00
13. Other monthly income (Specify):		\$ 0.00 \$ 0.00
14. SUBTOTAL OF LINES 7 THROUGH 13		\$ 400.00 \$ 0.00
15. AVERAGE MONTHLY INCOME (Add amounts shown on lines 6 and 14)		\$ 2,790.83 \$ 426.05
16. COMBINED AVERAGE MONTHLY INCOME: (Combine column totals from line 15; if there is only one debtor repeat total reported on line 15)		\$ 3,216.88
(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)		

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:

KYLE ANDERSON, M.D.
Sports Medicine
Arthroscopic Surgery
Shoulder and Elbow Replacement

DAVID J. COLLON, M.D.
Sports Medicine
Arthroscopic Surgery

THOMAS J. DITKOFF, M.D.
Pediatric Orthopaedics
Adult Reconstructive Surgery

Arthroscopy and Sports Injuries

PETER R. DONALDSON, M.D.
Sports Medicine

JEFFREY S. FISCHGRUND, M.D.
Disorders of the Spine
Disc and Stenosis Surgery

Reconstructive Surgery of the Neck and Back

HARRY N. HERKOWITZ, M.D.
Disorders of the Spine
Disc and Stenosis Surgery

Reconstructive Surgery of the Neck and Back

LAWRENCE T. KURZ, M.D.
Adult and Children's Spinal Disorders
Scoliosis

Reconstructive Surgery of the Neck and Back

JERRY A. MATLEN, M.D.

Adult Reconstructive Orthopaedic Surgery
Hip and Knee Joint Replacement

RACHEL S. ROHDE, M.D.
Orthopaedic Upper Extremity Surgery
Hand and Microvascular Surgery

MICHIGAN ORTHOPAEDIC INSTITUTE, P.C.

ORTHOPAEDIC SURGERY & PHYSICAL MEDICINE

26025 LAHSER ROAD, 2ND FLOOR
SOUTHFIELD, MICHIGAN 48033
Tel. (248) 663-1900 Fax (248) 663-1901

6900 ORCHARD LAKE ROAD, SUITE 103
WEST BLOOMFIELD, MICHIGAN 48322
Tel. (248) 855-7400 Fax (248) 626-6481

JASON B. SADOWSKI, M.D.
Orthopaedic Traumatologist

GINO R. SESSA, M.D.
Physical Medicine & Rehabilitation
Electromyography & Electrodiagnosis

JEFFREY D. SHAPIRO, M.D.
Knee and Shoulder Surgery
Arthroscopic, Reconstructive and
Joint Replacement Surgery
Sports Medicine

PAUL S. SHAPIRO, M.D.
Hand and Upper Extremity Surgery
Shoulder Surgery
Microvascular Surgery

JAMES J. VERNER, M.D.
Total Joint Surgery of the Hip and Knee
Revision Hip and Knee Surgery
Minimally Invasive Hip and Knee Arthroplasty

SUSAN WEIR, M.D.
Physical Medicine & Rehabilitation
Electromyography & Electrodiagnosis

ED ROBERTS, PA
Office Administrator

MARTIN L. WEISSMAN, M.D.
Retired

KENNETH W. GITLIN, M.D.
Retired

PATIENT DISABILITY/WORK STATUS FORM

TO WHOM IT MAY CONCERN:

Nemeth, Laurie A _____ is under my professional care.

DIAGNOSIS: 722.4 - Cervical Disc Disease _____

RECOMMENDED ACTIVITY/ WORK STATUS:

☐ No Activity (off work) _____
to _____

☐ Regular Work

☐ No Gym/Sports

☐ Disability Start Date: _____

☒ Modified Activity:
08/10/11 to 08/17/11

☐ R / L Arm/Hand work

☐ Light Two Hand Work

☒ No Lifting Over 10 lbs

☐ Avoid Repetitive Use of _____

☒ No Bending/Stooping

☐ No Over Head Work (L or R)

☐ Sit / Stand Option

☐ Sit Down Job

☐ No Squatting or Kneeling

☐ No Climbing Stairs/Ladders

☐ Other _____

Estimated / Effective Return to Activity Date: _____

Return Appointment: _____


(PHYSICIAN SIGNATURE)

08/10/11
(DATE)

ANY CROSS-OUTS, CORRECTED MISTAKES, ADDITIONS OR DELETIONS ON THIS SHEET INVALIDATES IT.

KYLE ANDERSON, M.D.
Sports Medicine
Arthroscopic Surgery
Shoulder and Elbow Replacement
DAVID J. COLLON, M.D.
Sports Medicine
Arthroscopic Surgery

THOMAS J. DITKOFF, M.D.

Podiatric Orthopaedics
Adult Reconstructive Surgery
Arthroscopy and Sports Injuries

PETER R. DONALDSON, M.D.

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Revision Hip and Knee Surgery

Minimally Invasive Hip and Knee Arthroplasty

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Physical Medicine & Rehabilitation

Electro myography & Electrodagnosis

ED ROBERTS, PA

Office Administrator

MARTIN L. WEISSMAN, M.D.

Retiree

KENNETH W. GITLIN, M.D.

Retiree

PATIENT DISABILITY/WORK STATUS FORM

TO WHOM IT MAY CONCERN:

Nemeth, Laurie A is under my professional care.

DIAGNOSIS: _____

RECOMMENDED ACTIVITY/ WORK STATUS:

☐ No Activity (off work) ☐ Regular Work ☐ No Gym/Sports
_____ to _____

☐ Disability Start Date: _____

☒ Modified Activity:
8/17/11 to 8/26/11

☐ R / L Arm/Hand work

☐ No Over Head Work (L or R)

☐ Light Two Hand Work

☐ Sit / Stand Option

☒ No Lifting Over 10 lbs

☐ Sit Down Job

☐ Avoid Repetitive Use of _____

☐ No Squatting or Kneeling

☒ No Bending/Stooping

☐ No Climbing Stairs/Ladders

☐ Other _____

Estimated / Effective Return to Activity Date: _____

Return Appointment: 8/26/11 Dr Weir


(PHYSICIAN SIGNATURE)

8/17/11
(DATE)

ANY CROSS-OUTS, CORRECTED MISTAKES, ADDITIONS OR DELETIONS ON THIS SHEET INVALIDATES IT.

KYLE ANDERSON, M.D.
Sports Medicine
Arthroscopic Surgery
Shoulder and Elbow Replacement
DAVID J. COLLON, M.D.
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Orthopaedic Upper Extremity Surgery
Hand and Microvascular Surgery

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Electromyography & Electrodiagnosis

ED ROBERTS, PA
Office Administrator

MARTIN L. WEISSMAN, M.D.
Retired
KENNETH W. GITLIN, M.D.
Retired

PATIENT DISABILITY/WORK STATUS FORM

TO WHOM IT MAY CONCERN:

Nemeth, Laurie A _____ is under my professional care.

DIAGNOSIS: CONT SAME WORK RESTRICTIONS

RECOMMENDED ACTIVITY/ WORK STATUS:

☐ No Activity (off work) _____ to _____ ☐ Regular Work ☐ No Gym/Sports

☐ Disability Start Date: _____

☒ Modified Activity:
09/16/11 to 10/07/11

☐ R / L Arm/Hand work

☐ Light Two Hand Work

☒ No Lifting Over 10 lbs

☐ Avoid Repetitive Use of _____

☒ No Bending/Stooping

☐ No Over Head Work (L or R)

☒ Sit / Stand Option

☐ Sit Down Job

☐ No Squatting or Kneeling

☐ No Climbing Stairs/Ladders

☐ Other _____

Estimated / Effective Return to Activity Date: 10/08/11

Return Appointment: 10/07/11

(PHYSICIAN SIGNATURE)

09/16/11
(DATE)

ANY CROSS-OUTS, CORRECTED MISTAKES, ADDITIONS OR DELETIONS ON THIS SHEET INVALIDATES IT.



**Michigan
Orthopaedic
Institute**

WWW.MOIMD.COM

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SOUTHFIELD, MICHIGAN 48033
Tel. (248) 663-1900 Fax (248) 663-1901

33200 WEST 14 MILE ROAD, SUITE 220
WEST BLOOMFIELD, MICHIGAN 48322
Tel. (248) 855-7400 Fax (248) 826-6481

PATIENT DISABILITY/WORK STATUS FORM

TO WHOM IT MAY CONCERN:

Nemeth, Laurie A is under my professional care.

DIAGNOSIS: 724.2 BACK PAIN

RECOMMENDED ACTIVITY/ WORK STATUS:

☐ No Activity (off work) to ☐ Regular Work ☐ No Gym/Sports

☐ Disability Start Date: _____

☒ Modified Activity:
10/7/11 to 10/28/11

☐ R / L Arm/Hand work

☐ Light Two Hand Work

☒ No Lifting Over 10 lbs

☐ Avoid Repetitive Use of _____

☒ No Bending/Stooping

☐ No Over Head Work (L or R)

☒ Sit / Stand Option

☐ Sit Down Job

☐ No Squatting or Kneeling

☐ No Climbing Stairs/Ladders

☐ Other _____

Estimated / Effective Return to Activity Date: 10/29/11

Return Appointment: 10/28/11

(PHYSICIAN SIGNATURE)

10/07/2011

(DATE)

ANY CROSS-OUTS, CORRECTED MISTAKES, ADDITIONS OR DELETIONS ON THIS SHEET INVALIDATES IT.

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re:

Chapter 13

Case No.: 10-75779

Judge: Steven W. Rhodes

Timothy P. and Laurie A. Nemeth

Debtor(s) /

NOTICE OF MOTION

The Debtor in the above-referenced case has filed a Request for Modification of Chapter 13 Plan with the Court.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

If you do not want the court to grant the relief sought, or if you want the court to consider your views on the Motion/Request, within 21 days, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at:¹

United States Bankruptcy Court
211 W. Fort Street, Suite 2100
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

James C. Warr & Associates, LLC
24500 Northwestern Hwy., Suite 205
Southfield, MI 48075

Krispen S. Carroll
719 Griswold, Suite 1100
Detroit, MI 48226

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time, and location of the hearing.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Dated: 10-26-2011

Signed: /s/James C. Warr
JAMES C. WARR (P47001)
OMAR M. BADR (P70966)
Attorney for Debtor(s)
24500 Northwestern Hwy., Suite 205
Southfield, MI 48075
(248) 357-5860
attywarr@sbcglobal.net

¹ Response or answer must comply with F.R. Civ. P. 8 (b), (c) and (e)

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re:

Chapter 13

Case No.: 10-75779

Judge: Steven W. Rhodes

Timothy P. and Laurie A. Nemeth

Debtor(s) /

JAMES C. WARR & ASSOCIATES, LLC

James C. Warr (P47001)

Omar M. Badr (P70966)

Attorney for Debtor(s)

24500 Northwestern Hwy., Suite 205

Southfield, MI 48075

(248) 357-5860

attywarr@sbcglobal.net

Proof of Service

ERIKA R. HUNTER states that on the 31st day of October, 2011, she did serve a copy of the **Request for Modification of Chapter 13 Plan** and filed the Proof of Service with the Clerk of the Court using the ECF System which will send notification of such filing to the following:

United States Trustee
211 W. Fort St., Suite 700
Detroit, MI 48226

Krispen S. Carroll
719 Griswold, Suite 1100
Detroit, MI 48226

and hereby certify that she has mailed by United States Postal Service the above-mentioned documents to the following non-ECF participants:

All parties on the attached Mailing Matrix.

October 31, 2011
Date

/s/Erika R. Hunter
Erika R. Hunter

Label Matrix for local noticing
0645-2
Case 10-75779-swr
Eastern District of Michigan
Detroit
Mon Oct 31 10:38:20 EDT 2011

B-Line, LLC
P.O. Box 91121
Dept. 550
Seattle, WA 98111-9221

Bank of America
PO Box 15726
Willmington, DE 19886-5726

Chase Bank USA, N.A.
PO Box 15145
Wilmington, DE 19850-5145

Community Fin. Members Fed. Credit Union
c/o Butler, Butler &
Rowse-Oberle PLLC
24525 Harper Ave. Ste. 2
St. Clair Shores, MI 48080-1286

Discover Bank
DFS Services LLC
PO Box 3025
New Albany, OH 43054-3025

Christopher E. Frank
117 W. 4th Street, Ste. 201
Royal Oak, MI 48067-3848

Kohls Payment Center
PO Box 2983
Milwaukee, WI 53201-2983

Timothy P. Nemeth
9011 Leverage
Redford, MI 48239-1891

James C. Warr
24500 Northwestern Hwy.
Suite 205
Southfield, MI 48075-2406

Ally Bank
PO Box 951
Horsham, PA 19044-0951

Back Bowl I, L.L.C.
c/o Weinstein & Riley, P.S.
2001 Western Ave., Ste. 400
Seattle, WA 98121-3132

CR Evergreen II, LLC
MS 550
PO Box 91121
Seattle, WA 98111-9221

Chase Bank USA, N.A.
c/o Creditors Bankruptcy Service
P O Box 740933
Dallas, Tx 75374-0933

Community Financial Members CU
P.O. Box 8050
Plymouth, MI 48170-8050

(p)DISCOVER FINANCIAL SERVICES LLC
PO BOX 3025
NEW ALBANY OH 43054-3025

Huntington National Bank
P O Box 89424
Cleveland OH 44101-6424

Michigan Catholic C.U.
2001 W. Saginaw
Lansing, MI 48915-1362

Karen L. Rowse-Oberle
24525 Harper Ave.
Suite Two
St. Clair Shores, MI 48080-1286

Wells Fargo Home Mortgage
P.O. Box 6423
Carol Stream, IL 60197-6423

Ally Financial Inc. f/k/a GMAC Inc.
Post Office Box 130424
Roseville, MN 55113-0004

Bank of America
PO Box 15710
Willmington, DE 19886-5710

Krispen S. Carroll
719 Griswold
1100 Dime Building
Detroit, MI 48226

Chase Cardmember Services
PO Box 94014
Palatine, IL 60094-4014

Heather M. Dickow
P.O. Box 5041
Troy, MI 48007-5041

Fia Card Services, NA As Successor In Interest
Bank of America NA and Mtna America Bank
1000 Samoset Drive
DE5-023-03-03
Newark, DE 19713-6000

Huntington National Bank
P.O. Box 2059
Columbus, OH 43216-2059

Laurie A. Nemeth
9011 Leverage
Redford, MI 48239-1891

The Leduc Group
117 W. 4th Street, Ste 201
Royal Oak, MI 48067-3848

Wells Fargo Home Mortgage Inc.
Payment Processing
MAC#x2302-04c
One Home Campus
Des Moines, IA 50328-0801

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Discover Card
P.O. Box 15251
Wilmington, DE 19886-5251

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Community Financial Credit Union

(u)Michigan Catholic Credit Union

(u)Wells Fargo Bank, NA

End of Label Matrix	
Mailable recipients	29
Bypassed recipients	3
Total	32